

**BOARD OF HEALTH REGULATION 00053-15
REGULATING THE SALE AND USE OF PAINT
CONTAINING MORE THAN SIX HUNDREDTHS PERCENT
(0.06%) OF METALLIC LEAD**

A Resolution of the Cincinnati Board of Health to adopt Cincinnati Board of Health Regulation 00053-15 Regulating the Sale and use of Paint containing more than six hundredths percent of Metallic Lead.

WHEREAS, section 00053-15 of the Board of Health Regulations, which governs the amount of metallic lead allowed in paint, was first adopted in 1973, and amended in 1976; and

WHEREAS, the Board of Health recognizes the need to update section 00053-15 based on the fact that it is no longer current with the industry standard; and

WHEREAS, the Board of Health understands that there are no costs associated with the change to section 00053-15; and

WHEREAS, section 601-7 of the Cincinnati Municipal Code authorizes the Board of Health to delegate the making of any decisions and/ or issuance of any orders to the Health Commissioner; now, therefore,

BE IT RESOLVED by the Board of Health of the City of Cincinnati, State of Ohio:

Section 1. That Regulation 00053-15 is hereby adopted as follows;

**§ 00053-15. REGULATING THE SALE AND USE OF PAINT
CONTAINING MORE THAN SIX HUNDREDTHS
PERCENT (0.06%) OF METALLIC LEAD.**

(A) Labeling.

No person shall sell, hold for sale, transport, or give away a hazardous substance, unless properly labeled. When a hazardous substance is labeled in compliance with applicable state or federal law, this section shall not apply except that if the commissioner finds that the labeling of the substance is inadequate to protect the public health, the labeling of the substance shall, upon the order of the commissioner and written notice to the manufacturer or distributor, contain such additional matter as may be required.

(B) Lead paint.

1. No person shall possess, sell, hold for sale, give away or leave in any place paint containing more than six hundredths percent of metallic lead, based upon total non-volatile content of the paint, unless the labeling bears the following statement: "Contains lead. Harmful if eaten. Do not apply on toys, furniture, interior or exterior surfaces which might be accessible to children." This subsection does not apply to marine paints, roof cements and coatings, automotive finishes which are not sold at retail, or to paints in residential buildings-other than paints for toys, children's furniture, interior or exterior surfaces which might be accessible to children-which are sold for purposes other than resale, to the city or state or federal government, or a manufacturer, an industrial plant, a public utility or metal structural contractor.
2. No person shall manufacture, sell or hold for sale children's toys or children's furniture that has paint containing more than six hundredths percent of metallic lead based on the non-volatile content of the paint.
3. No person shall use paint containing more than six hundredths percent of metallic lead based on the non-volatile content of the paint on the exterior or interior surfaces of any property accessible to small children.
4. When the department finds that there is paint or other material containing more than five-tenths percent or 1.0 mg/cm^2 or more of metallic lead based on the non-volatile content of the paint on the exterior or interior surfaces of any property, including items other than those with painted surfaces, it may order the removal of the paint or removal of the property, under such safety conditions as it may specify, and the refinishing of the exterior or interior surfaces with a suitable finish which is not in violation of this section.

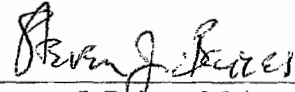
(C) Loose and flaking paint/ interior and exterior paint surfaces.

1. Loose and flaking paint containing lead in excess of five-tenths percent or 1.0 mg/cm^2 or more on interior or exterior surfaces of any property accessible to small children shall be removed or made inaccessible and/or the surfaces recovered with paint or other covering. If paint is used, it shall not contain lead in excess of six hundredths percent.
2. Interior and exterior surfaces of property found to have coatings which contain lead in excess of five-tenths percent limit or 1.0 mg/cm^2 or more, when said coatings are identified as the probable source of undue lead absorption or lead poisoning in human beings, shall have the coatings removed, covered or made inaccessible to small children.

Section 2. That existing section 00053-15 is hereby repealed.

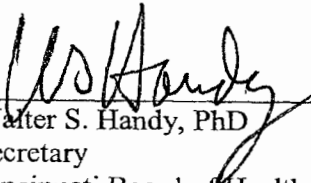
Section 3. That the City of Cincinnati Health Commissioner is hereby authorized to act on behalf of the Board of Health in these matters, and any actions taken by the Health Commissioner in accordance with this Policy shall be considered actions taken by the Board.

ADOPTED: October 25, 2005.



Steven J. Barnes, M.A.
Chairperson
Cincinnati Board of Health

ATTEST:



Walter S. Handy, PhD
Secretary
Cincinnati Board of Health